IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1428 of 2003

Between:

Tandra Rambabu S/o.Papa Rao
R/o.Jagannadhapuram, Mulakalapalli Mandal,
Khammam District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Mulakalapalli Mandal, Khammam District
2 The Mandal Revenue Inspector Mulakalapalli Mandal, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue such appropriate writ, order or direction to the respondents more particularly one in the nature of mandamus declaring the panchanama Dt.24/12/2002 alleged to have been conducted by the 2nd respondent as arbitrary, illegal and without authority apart from violative of principles of natural justice and thus violative of Art.14 of the Constitution of India and consequently quash the same.

Counsel for the Petitioner:MR.HARI SREEDHAR

Counsel for the Respondents:GP FOR Social Welfare

The Court Made the Following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.1428 OF 2003

ORDER:

Though interlocutory matters are listed for hearing, on the request of the learned counsels appearing for the parties, the writ petition itself is taken up for consideration.

This writ petition is filed, seeking Writ of Mandamus to declare the Panchanama dated 24.12.2002 conducted by the Mandal Revenue Inspector, Mulakalapalli Mandal, Khammam District-second respondent herein, as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of land in survey No.253, admeasuring Ac.13.32 guntas, situated in Jagannadhapuram village, Mulakalapalli Mandal of Khammam District. It is his case that the said land was purchased by his father through sale deed dated 15.02.1962 and since then the said land is in possession of his father and later, he succeeded the said land. It is stated in the affidavit filed in support of the Writ Petition that, earlier proceedings were initiated under the provisions of the A.P. (Scheduled Area) Land Transfer Regulations and the said proceedings were dropped. It is further stated that the petitioner also filed Civil suit and obtained interim injunction when there was interference from the third parties.

In the counter-affidavit filed on behalf of the respondents, it is stated that as per the records, one Gega Bujji is pattadar for the said land in survey No.253 and petitioner's name is recorded in the 'possessor column'. Further, it is stated that under the guise of patta land, the petitioner is trying to encroach the Government

land in survey No.626, which is in occupation of tribals. It is stated that on the representation of tribals, to prevent encroachment into their land, on instructions from the 1st respondent, the 2nd respondent enquired into the same and taken steps to prevent the encroachment by the petitioner.

It is contended by the learned Counsel for the petitioner, Sri Hari Sreedhar that by merely conducting panchanama, the petitioner cannot be deprived of his possession with regard to the land in survey No.253, admeasuring Ac.13.32 guntas. Whereas it is submitted by the learned Government Pleader appearing for the respondents that the panchanama is conducted to protect the land in survey No. 626/1, which is Government land, for which there is no claim by the petitioner.

Having heard the learned counsels appearing for the parties and having perused the copy of the panchanama filed by the petitioner, it is evident that the said panchanama is conducted with regard to the land in survey No.626/1. In the said panchanama, there is no reference with regard to the land claimed by the petitioner in survey No.253, admeasuring Ac.13.32 guntas. If it is the case of the petitioner that under the guise of panchanama, there is interference by the respondent with regard to his land in survey No.253. In that view of the matter, it is to be seen, the impugned panchanama is conducted with regard to the land in survey No.626/1, which is the Government land, stated to be in occupation of the tribals. The only claim of the petitioner is with regard to the land in survey No.253, admeasuring Ac.13.32 guntas, for which there is no reference in the impugned panchanama. Having regard to the same, I dispose of the writ petition, directing the respondents not to interfere with the land of the petitioner in survey No.253, admeasuring Ac.13.32 guntas, situated in Jagannadhapuram village, Mulakalapalli Mandal, Khammam District. Further, it is clarified that under the guise of panchanama, no steps shall be taken to evict the petitioner from the land mentioned above, as otherwise than due process of law.

Subject to the above direction, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To

1.The Mandal Revenue Officer, Mulakalapalli Mandal, Khammam District.

2.The Mandal Revenue Inspector, Mulakalapalli Mandal, Khammam District.

3. Two C.Cs to G.P. for social welfare, High Court Buildings, Hyderabad (OUT) revenue.

4.2 C.D copies.

Nn/Tsnr/Msnr.